



*California's protection and advocacy system*

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## **EARLY START<sup>1</sup>**

These changes are included in the Budget Trailer Bill. They will be effective when the Budget is approved, unless the language is changed by the legislature.

Early Start serves infants and toddlers from birth to 3 years old with disabilities. The regional centers currently provide Early Start service to infants and toddlers who have a development delay, have an established risk for developmental delay, or have a developmental disability. The new law changes who is eligible for Early Start and the services provided. The new law also creates a new prevention program for those infants and toddlers who do not meet Early Start eligibility.

### **How the Law Changed**

#### **Changes in Who Is Eligible for Early Start Services:**

All infants and toddlers who apply are eligible for intake and assessment. Infants and toddlers are eligible for Early Start services if they have:

1. Established risk conditions. The eligibility criteria for this category is unchanged.

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<sup>1</sup>The changes are part of the Budget Trailer Bill AB x3 45.

You may find the law at [http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab\\_0001-0050/abx3\\_45\\_bill\\_20090628\\_amended\\_asm\\_v98.html](http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_0001-0050/abx3_45_bill_20090628_amended_asm_v98.html)

The changes to Early Start may be found In Government Code, Sections 95004, 95014, 95020; Welfare and Institutions Code, Sections 4435, 4685.

2. Have a developmental delay. This eligibility criteria is changed, see below.

Infants and toddlers who are at high risk of having a developmental disability are no longer eligible for Early Start services and will be served under a new prevention program. This is discussed below.

Eligibility for Early Start services is made by a multidisciplinary team which includes the parents. The eligibility criteria for deciding if the infant or toddler has a developmental delay has changed as follows:

- For children aged 0-24 months, a significant delay is a 33% delay in one or more areas.
- For children aged 24-36 months, a significant delay is 50% in one area or 33% in two or more areas.
- The areas of delay are unchanged and are: cognitive development, physical and motor development, communication development, social or emotional development, or adaptive development.

The age used for determining delay is the age of the child when first referred to Early Start. Eligibility for Early Start services from regional centers has been limited starting July 1, 2009.

#### Changes to Early Start Services:

##### **Use of Neighborhood Preschools**

The law has been changed to promote the use of neighborhood preschool services with needed qualified personnel rather than center-based programs for infants and toddlers.

##### **Use of Group Behavioral Training**

The law has been changed to promote the use of group behavioral training instead of some or all of in-home parent training for behavioral intervention services.

##### **Use of Private Insurance**

The law has been changed regarding use of private insurance for a medical or health care service identified in an eligible infant or toddler's

Individualized Family Service Plan (IFSP). Parents must now utilize private insurance for all medical services other than evaluation and assessment.

## **Exemptions**

Parents are not mandated to use private insurance if it is prohibited by some other law or regulation.

### Services That Are No Longer Covered in Early Start:

Regional centers will no longer fund services that are not federally-mandated. Regional centers are no longer allowed to pay for any service that is not required to be provided by federal law. A few of these services are diapers, music therapy, and social recreation program.<sup>2</sup> Regional centers will still pay for Durable Medical Equipment (DME) though this is not required by federal law.

### New Prevention Program for Infants and Toddlers Who are Not Eligible for Early Start:

A child who is not eligible for Early Start services from the regional center is eligible for intake and assessment. They may also receive case management and referral to generic agencies.

## **What Should I Do If the Regional Center Wants to Change My Early Start Services?**

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<sup>2</sup> Services that may no longer be provided may be: Child care, diapers, dentistry, interpreter, translator, genetic counseling, music therapy, social recreation programs, housing, medical service unrelated to the child's development, hospitalization, immunizations, well-baby care, family or marital counseling unrelated to the infant's development, substance abuse counseling, and others.

If your regional center wants to change your services, it must hold an IFSP meeting.<sup>3</sup> If you do not agree with the regional center's decision, the regional center must give you written notice of its decision to change your service 30 days before actually changing it.<sup>4</sup> If you request a hearing, your child must continue to receive his disputed services during that time.<sup>5</sup>

For example, if you believe your child's infant stimulation services should not be reduced, then you should file for a hearing. For more important information on how to appeal decisions by the regional center, read our fact sheet, Due Process and Hearing Rights.

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<sup>3</sup> Welfare & Institutions Code, Section 4646.4 (a)-(c).

<sup>4</sup> Welfare & Institutions Code, Section 4710, 17C.C.R. Sec. 52161.

<sup>5</sup> 34 C.F.R. Sec. 300.503 et. seq.